

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

In re

Case Number 17-11925
Chapter 7

LONNIE WRIGHT

Debtor(s).

Plaintiff

LONNIE WRIGHT

v.

Adv. Proc. No. 17-

Defendant

Midland Funding LLC/Citibank

COMPLAINT TO AVOID PRE-PETITION JUDGMENT LIEN

Comes now the Debtor(s)/Plaintiff(s), by and through his undersigned counsel of record and would show unto the Court the following:

1. On August 31, 2017, the above referenced plaintiff's file a Chapter 7 bankruptcy case in this court which was assigned case # 17-11925.
2. Prior to the filing of this bankruptcy, defendant Midland Funding LLC/Citibank, obtained a judgment against plaintiff in the amount of \$24,889.89 in the General Sessions Court of Crockett County, TN under Civil Action # 2016-CV-142.
3. This judgment was obtained against him on or about December 13, 2016.
4. Defendant, Midland Funding LLC/Citibank then obtained a certified copy of its judgment and registered same in the Register's Office of Crockett County, Tennessee. This judgment lien was recorded on deed book 302, pages 493-494 on or about March 21, 2017.

5. Pursuant to the laws in the State of Tennessee, said registration of a lien acts as a judgment lien on any real property that plaintiff owns in Crockett County.

6. The only property owned by plaintiff is a home located at 2266 Walter Taylor Rd, Friendship, TN 38034.

7. The property located at 2266 Walter Taylor Rd, Friendship, TN 38034 was purchased by Plaintiff/Debtor and a warranty deed was recorded in the Register's Office in Crockett County, TN in Book 144 Page 560-562 with a property description as follows:

Tract 1: Lying in the Eleventh Civil District of Crockett County, TN, and being a part of a larger tract of land belonging to Jerry Eskew, and further described as follows: Beginning at a p.k. nail set in the centerline of Walter Taylor Road, which point is the original northeast corner of Jerry Eskew and the northwest corner of J. C. Smith (Deed Book 23, page 203); thence from the point of beginning and with the west line of J. C. Smith, south 05 degrees 00 minutes 00 seconds west 415.15 feet to a new corner of Eskew; thence, on new lines through Eskew the following calls: North 86 degrees 32 minutes 57 seconds West 315.00 feet; North 05 degrees 00 minutes 00 seconds East 415.5 feet to a point in the centerline of Walter Taylor Road; thence , with the centerline of said road; South 86 degrees 32 minutes 57 seconds East 315.00 feet to the point of beginning, containing 3.00 acres. Description taken from survey of Tony M. Reasons, R.L.S. Number 508, 3825 East End Drive, Humboldt, TN 38343, dated February 16, 1998.

Tract II: Lying and being in the 11th Civil District of Crockett County, TN and being part of a larger tract of land belonging to Jerry Eskew and Beginning at a p.k. nail set in the centerline of Walter Taylor Road, which point is the northwest corner of Wayne French as recorded in Deed Book 111, page 211, Register's Office, Crockett County, TN, and northeast corner of the herein described tract; thence, from the point of beginning and with the west line of French, South 05 degrees 00 minutes 00 seconds West 415.5 feet to an iron pin set at the Southeast corner of the herein described tract; thence on a new line through Eskew, the following calls: North 86 degrees 32 minutes 57 seconds West 52.48 feet to an iron pin set; North 05 degrees 00 minutes 00 seconds East 415.15 feet to a P.K. nail set in the centerline of Walter Taylor Road; thence with the centerline of Walter Taylor Road, South 86 degrees 32 minutes 57 seconds East 52.48 feet to a point of beginning, containing 0.5 acre. Description taken from survey dated 11th day of December, 1998, by Reasons Engineering and Associates, Inc., 3825 East End Drive, Humboldt, TN 38343.

The above tract being further identified as Map 14, Parcel 13.02 in the Tax Assessor's Office for Crockett County, TN.

Being the same property conveyed unto the grantors herein by deed of record in Deed Book 143, page 738 in the Register's Office of Crockett County, TN.

8. The value of said home is \$114,000.00, however, there is a lien in favor of Chase Mortgage with a payoff amount of \$103,846.00.

9. Plaintiff is entitled to a homestead exemption in the amount of \$12,500.00 on said home.

10. The pre-petition judgment lien of Midland Funding LLC/Citibank impairs the homestead to which plaintiff would otherwise be entitled in the property, and pursuant to 11 USC § 522 (f) (1) (A), said lien is voidable.

WHEREFORE, PREMISES CONSIDERED, Plaintiff/Debtor requests that this court issue an order declaring the pre-petition judicial lien of defendant to be null, void, and without effect and authorize the entry of said order to extinguish the pre-petition judgment lien of defendant.

RESPECTFULLY SUBMITTED

Robert B. Vandiver, Jr.
/s/ Robert B. Vandiver, Jr.
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CERTIFICATE OF SERVICE

The undersigned party, Attorney for party or agent therefore hereby certifies that on this 15th day of September, 2017, copies of the documents identified above were served by mail to the parties listed.

A complaint captioned complaint to avoid pre-petition judgment lien filed by the debtor counsel on September 15, 2017.

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